

**THIS DOCUMENT WAS NOT WRITTEN FOR PUBLICATION
AND IS NOT BINDING PRECEDENT OF THE**

Filed by: Trial Section Merits Panel
Mail Stop INTERFERENCE
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450
Tel: 703-308-9797 Fax: 703-305-0942

Paper No. 55

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

SRL, K.K.

FAXED

Junior Party,
(Application 09/101,132)¹

MAY 27 2004

v.
CEDARS-SINAI MEDICAL CENTER

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Senior Party
(Application No. 08/981,998)²

Patent Interference No. 105,170

Before LEE, TIERNEY and NAGUMO, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment - Rule 662

On May 20, 2004, junior party SRL, K.K. filed a request for entry of adverse judgment.

(Paper No. 54) The request is **granted**. It is

¹ Filed June 30, 1998. Accorded the benefit of PCT application PCT/JP97/03946, filed October 30, 1997, and Japanese application 304059/1996, filed October 30, 1996. The real party in interest is SRL, Inc.

² Filed May 11, 1998. Accorded the benefit of PCT application PCT/US97/07725, filed May 8, 1997, and application 08/727,084, filed October 8, 1996. The real parties in interest are Cedars-Sinai Medical Center and the United States Government via the National Institute of Health.

Interference No. 105,170
SRL, K.K. v. Cedars-Sinai Medical center

ORDERED that judgment as to the subject matter of Count 1 is herein entered against junior party SRL, K.K., and that judgment as to the subject matter of Count 2 is also herein entered against junior party SRL, K.K.;

FURTHER ORDERED that junior party SRL, K.K. is not entitled to its application claims 22, 23 and 26 which correspond to Count 1, and that junior party SRL, K.K. is also not entitled to its application claims 22-26 which correspond to Count 2;

FURTHER ORDERED that all pending preliminary and miscellaneous motions of either party is herein dismissed;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666;

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties; and

FURTHER ORDERED that because exhibits in support of motions are technically still not yet due to be filed at the USPTO, the filing by the senior party of its exhibits is premature and therefore counsel for the senior party shall call Ms. Yolunda Townes or Ms. Sonja Despertt of the Interference Trial Section to indicate whether the senior party desires to have them back and if so when they can be picked up by the senior party (the box of exhibits will be discarded if it is not picked up by the senior party within two weeks from the date of this communication).

Interference No. 105,170
SRL, K.K. v. Cedars-Sinai Medical center

Jameson Lee
Jameson Lee
Administrative Patent Judge

Michael P. Tierney
Michael P. Tierney
Administrative Patent Judge

Mark Nagumo
Mark Nagumo
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference No. 105,170
SRL, K.K. v. Cedars-Sinai Medical center

By Facsimile:

Counsel for Junior Party SRL:

703-205-8050 (Fax)
Gerald M. Murphy, Esq.
BIRCH, STEWART, KOLASCH & birch, llp
8110 Gatehouse Road, Suite 100 east
Falls Church, Virginia 22042

Counsel for Senior Party Cedars-Sinai:

213-243-2539 (Fax)
Coe A. Bloomberg, Esq.
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, California 90013-1025